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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,491	01/09/2002	Michael Wayne Brown	AUS920010970US1	6098

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/042,491

Applicant(s)

BROWN ET AL.

Examiner

Oanh Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Claims 28-30 are canceled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 8, 12, 13, 15, 16, 19, 20, 22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huat**, US 2002/0133565 A1.

Regarding claim 1, **Huat** teaches a method for rendering a document (*i.e.*, *web document/page*) on a display utilizing a view program (*i.e.*, *web browser 114*) running on a computer system (*i.e.*, *client computer 102*) [Fig. 1], comprising:

receiving primary content of the document to be displayed (*page 3 paragraph [0034]: Huat discloses a web page is downloaded to client device*);

identifying secondary content (*i.e.*, *intermediate message*) to be displayed in conjunction with the primary content (*i.e.*, *identifying and displaying intermediate message in clear space of a displayed web page, page 4 paragraph [0039]*);

determining whether there is available white space within the primary content, when displayed within a display area, to accommodate the secondary content (*page 4*

paragraph [0042]: Huat teaches it is determined whether an adequate clear space exists for displaying an intermediate message (i.e., secondary content);

embedding the secondary content in the available white space if it is determined that there is available white space to accommodate the secondary content (i.e., if a clear space area exists, an intermediate message is displayed in this area, page 4 paragraph [0042]); and

embedding the secondary content in the suitable white space formed (i.e., displaying intermediate messages in the clear space of a scrolled/reflowed web page, page 5 paragraph [0045]).

Huat does not explicitly teach responsive to determining the white space is not available, reflowing the primary content to form suitable white space in the displayed area.

However, **Huat** does teach it is determined that clear space is not available within the active window (*i.e., in responsive to determining the white space is not available*), it waits for a change in the active window that may create the availability of clear/white space within the window, wherein such a change could be the scrolling of a web page within the display area to create the available clear/white space to display the additional content (*i.e., the intermediate message*) (**Huat, paragraph [0043]**).

Examiner respectfully submits that one of ordinary skill in the art at the time of the present invention would have readily found that **Huat's** disclosed mechanism for "scrolling of a web page within the display area to create the availability clear/white

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space" is substantially equivalent to "reflowing the primary content to form suitable white space in the displayed area" of the instant application.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the feature of "scrolling of a web page within the display area to create the available clear/white space" as "reflow the primary content to form suitable white space in the displayed area" as claimed. One would be motivated to do so to create additional clear/white space for embedding/displaying new/additional content within the display area.

Regarding claim 2, **Huat** teaches the method of claim 1 further comprising:
receiving a user action to change a portion of the primary content currently display in the displayed area (*i.e., scrolling of a web page within the display area, page 4 paragraph [0043]*);

determining whether there is available white space within the portion of primary content currently displayed in the displayed area to accommodate the secondary content (*page 4 paragraph [0042]: Huat teaches it is determined whether an adequate clear space exists for displaying a intermediate message (i.e., secondary content)*); and

embedding the secondary content in the available white space if it is determined that there is available white space to accommodate the secondary content (*i.e., if a clear space area exists, an intermediate message is displayed in this area, page 4 paragraph [0042]*); and

embedding the secondary content in the suitable white space formed (*i.e.*, *displaying/embedding intermediate messages in the clear space of a scrolled web page, page 5 paragraph [0045]*).

Huat does not explicitly teach responsive to determining the white space is not available, reflowing the primary content to form suitable white space in the displayed area.

However, **Huat** does teach it is determined that clear space is not available within the active window (*i.e.*, *in responsive to determining the white space is not available*), it waits for a change in the active window that may create the availability of clear/white space within the window, wherein such a change could be the scrolling of a web page within the display area to create the available clear/white space to display the additional content (*i.e.*, *the intermediate message*) (**Huat, paragraph [0043]**).

Examiner respectfully submits that one of ordinary skill in the art at the time of the present invention would have readily found that **Huat's** disclosed mechanism for "scrolling of a web page within the display area to create the availability clear/white space" is substantially equivalent to "reflowing the primary content to form suitable white space in the displayed area" of the instant application.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the feature of "scrolling of a web page within the display area to create the available clear/white space" as "reflow the primary content to form suitable white space in the displayed area" as claimed. One would be motivated to

do so to create additional clear/white space for embedding/displaying new/additional content within the display area.

Regarding claim 3, **Huat** teaches the user actions comprises at least one of a resizing of the displayed area and a scrolling of the primary content (*i.e., scrolling of a web page within the display area, page 4 paragraph [0043]*);

Regarding claim 4, **Huat** teaches the method of claim 1 wherein the white space is a background to the primary content (*i.e., such clear space could comprise plain white background or constant color background, page 4 paragraph [0041]*).

Regarding claim 7, **Huat** teaches the method of claim 1 wherein identifying secondary content comprises generating a viewer object containing the secondary content (*i.e., the intermediate message (i.e., secondary content) display can be displayed in an HTML frame that can display graphics or other type of data, page 5 paragraph [0052]*).

Regarding claim 8, **Huat** teaches the method of claim 1 further comprising automatically resizing the secondary content to fill the determined white space (*i.e., "the shape of the message boundary area may be altered to fit different shape clear spaces that may be available", page 5 paragraph [0048]*).

Regarding claims 12 and 13, these claims recite a computer program, on a computer usable medium, having program code means for performing method claims 1 and 2, discussed above, same rationale of rejection is applicable.

Regarding claims 15 and 16, these claims recite a computer program, on a computer usable medium, having program code means for performing method claims 7 and 8, discussed above, same rationale of rejection is applicable.

Regarding claim 19, this claim recites a computer system for performing a corresponding method claim 1, discussed above, same rationale of rejection is applicable.

Regarding claim 20, this claim recites a computer system for performing a corresponding method claim 2, discussed above, same rationale of rejection is applicable.

Regarding claim 22, this claim recites a computer system for performing a corresponding method claim 7, discussed above, same rationale of rejection is applicable.

Regarding claim 24, this claim recites a computer system for performing a corresponding method claim 8, discussed above, same rationale of rejection is applicable.

Regarding claim 26, **Huat** teaches a method for rendering a document (*i.e.*, web document/page) on a display utilizing a view program (*i.e.*, web browser 114) running on a computer system (*i.e.*, client computer 102) [Fig. 1], comprising:

receiving primary content of the document to be displayed (*page 3 paragraph [0034]: Huat discloses a web page is downloaded to client device*);

identifying secondary content (*i.e.*, intermediate message) to be displayed in conjunction with the primary content (*i.e.*, identifying and displaying intermediate message in clear space of a displayed web page, page 4 paragraph [0039]);

determining whether this is available white space within the primary content, when display within a displayed area, to accommodate the secondary content (*page 4 paragraph [0042]: Huat teaches it is determined whether an adequate clear space exists for displaying an intermediate message (i.e., secondary content)*);

embedding the secondary content in the available white space if it is determined that there is available white space to accommodate the secondary content (*i.e.*, if a clear space area exists, an intermediate message is displayed in this area, page 4 paragraph [0042]); and

responsive to determining the white space is not available (*i.e.*, if it is determined that clear space is not available, page 4 paragraph [0043]), it waits for a change in the

active window or web page that may create the availability for clear space within the window (page 4 paragraph [0043]);

embedding the secondary content in the suitable white space formed (*i.e.*, *displaying/embedding intermediate messages in the clear space of a scrolled web page*, page 5 paragraph [004]); and

sending the document with the embedded secondary content to the client for display (page 5 paragraph [0051]).

Huat does not explicitly teach responsive to determining the white space is not available, reflowing the primary content to form suitable white space in the displayed area.

However, **Huat** does teach it is determined that clear space is not available within the active window (*i.e.*, *in responsive to determining the white space is not available*), it waits for a change in the active window that may create the availability of clear/white space within the window, wherein such a change could be the scrolling of a web page within the display area to create the available clear/white space to display the additional content (*i.e.*, *the intermediate message*) (**Huat, paragraph [0043]**).

Examiner respectfully submits that one of ordinary skill in the art at the time of the present invention would have readily found that **Huat's** disclosed mechanism for "scrolling of a web page within the display area to create the availability clear/white space" is substantially equivalent to "reflowing the primary content to form suitable white space in the displayed area" of the instant application.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the feature of "scrolling of a web page within the display area to create the available clear/white space" as "reflowing the primary content to form suitable white space in the displayed area" as claimed. One would be motivated to do so to create additional clear/white space for embedding/displaying new/additional content within the display area.

Regarding claim 27, this claim recites a computer system that performs a corresponding method claim 26, discussed above, same rationale of rejection is applicable.

4. Claims 5, 15, and 21 are rejected under 35 U.S.C. 103(a) as being obvious over **Huat**, US 2002/0133565, in view of **Porter**, US 2003/0052923.

Regarding claim 5, **Huat** teaches the method of claim 1.

Huat does not explicitly teach identifying secondary content comprises receiving a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space within displayed area unless of a user action of at least one of adjusting the portion of the primary content currently displayed within the display area and adjusting a size o said displayed area.

Porter teaches a system wherein a persistently visible display of content including advertisements is provided (seen in abstract). **Porter** teaches identifying

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secondary content comprises receiving a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space within displayed area unless of a user action of at least one of adjusting the portion of the primary content currently displayed within the display area and adjusting a size of said displayed area (*i.e., by virtue of the browser's exclusive use of its assigned display area 506b or 506c, the advertisement rendered are persistently visible, independent of changes in the shared displayed area 504, Fig. 5 page 4 paragraph [0037]*).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of **Huat** to identify secondary content comprises receive a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space within displayed area unless of a user action of at least one of adjusting the portion of the primary content currently displayed within the display area and adjusting a size of said displayed area as taught by **Porter**. One would be motivated to do so to overcome the prior art disadvantage of losing visibility to some of the rendered contents such as banner advertisement (**Porter**, page 2 paragraph [0019]).

Regarding claim 15, this claim recites the computer program that performs the method claim 5, same rationale of rejection is applicable.

Regarding claim 21, this claim recites a computer system for performing a corresponding method claim 5, discussed above, same rationale of rejection is applicable.

5. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being obvious over **Huat**, US 2002/0133565, in view of **Porter**, US 2003/0052923 A1, and **Shema** et al. (hereafter, Shema), US 2002/0194190 A1.

Regarding claim 6, **Huat** teaches the method of claim 5.

The combination of teachings of **Huat and Porter** does not explicitly teach retrieving the designation from a database accessible to the viewer program.

Shema teaches retrieving the designation from a database accessible to the viewer program (page 7 paragraph [0051]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of **Huat and Porter** to retrieve the designation from a database accessible to the viewer program as taught by **Shema**. One would be motivated to do so to efficiently retrieve the database information regarding a designation associated with the secondary content.

Regarding claim 23, this claim recites a computer system for performing a corresponding method claim 6, discussed above, same rationale of rejection is applicable.

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6. Claims 9, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huat** in view of **Mitchell** et al. (hereafter, Mitchell), US 6,983,331 B1.

Regarding claim 9, **Huat** teaches the method of claim 1 wherein the step of determining whether there is available white space (page 4 paragraph [0042]).

Huat does not explicitly teach determining the areas of the data elements in the document used through a Document Object Model Interface.

Mitchell teaches determining the areas of the data elements in the document used through a Document Object Model Interface (col. 12 lines 12-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of **Huat** to determine the areas of the data elements in the document used through a Document Object Model Interface as taught by **Mitchell**. One would be motivated to do so to maximize the use of the available display area (**Mitchell**, col. 4 line 21-22).

Regarding claim 18, this claim recites a computer program for performing method claim 9, same rationale of rejection is applicable.

Regarding claim 25, this claim recites a computer system for performing a corresponding method claim 9, discussed above, same rationale of rejection is applicable.

7. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huat** in view of Applicant Admitted Prior Art (**AAPA**).

Regarding claim 10, **Huat** teaches the method of claim 1.

Huat does not explicitly teach reflowing the primary content comprises making changes to the document Object Model tree and reflowing the document according to the changes.

AAPA teaches reflowing the primary content comprises making changes to the document Object Model tree and reflowing the document according to the changes. *(i.e., the browser reflows the document according to the change made to the DOM tree as the reflowed document is rendered to the display, page 4 lines 6-12).*

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the teachings of **Huat** to make changes to the document Object Model tree and reflowing the document according to the changes as in **APA**. One would be motivated to do so to allow programs and scripts to dynamically access and update the content, structure and style of the document.

8. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huat** in view of **Ballard**, US 6,182,050 B1.

Regarding claim 11, **Huat** teaches the method of claim 1 wherein identifying secondary content to be displayed in conjunction with the primary content (page 4 paragraph [0039]).

Huat does not explicitly teach identifying secondary content having a time based designation for causing at least one of i) an alternating of the display of the secondary content with other designated secondary content in a same white space, and ii) a displaying of the identified secondary content in the white space for only the time period specified.

Ballard teaches system and method wherein matching between advertisement and target consumer is achieved (see abstract). Ballard teaches identifying secondary content having a time based designation for causing at least one of i) an alternating of the display of the secondary content with other designated secondary content in a same white space, and ii) a displaying of the identified secondary content in the white space for only the time period specified (col. 13 lines 7-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of **Huat** to display the second content in the white space for only the time period specified as in **Ballard**. One would be motivated to do so to allow advertiser to be able to reach target consumers within a system which protects consumer privacy (**Ballard**, col. 1 lines 58-60)

Claim 17, this claim does not recite or define any new limitation above claim 11, same rationale of rejection is applicable.

Response to Arguments

9. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

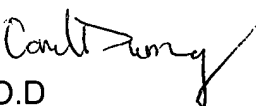
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


O.D
February 8, 2007